

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SMARTER AGENT, LLC,
Plaintiff

-v-

REAL ESTATE WEBMASTERS, INC.,
Defendants

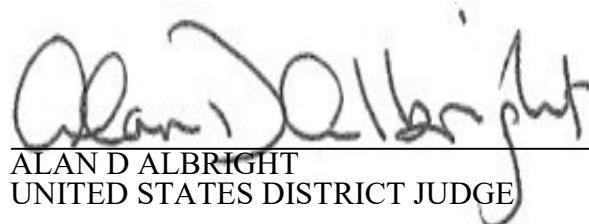
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W-19-CV-00182-ADA

CLAIM CONSTRUCTION ORDER

The Court held a *Markman* hearing on September 14, 2021. During that hearing, the Court provided its final constructions. The Court now enters those claim constructions.

SIGNED this 14th day of September, 2021.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

Note: Independent terms are in bold underline.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>“dynamically updated”</p> <p>U.S. Patent No. 7,457,628, Cl. 15; U.S. Patent No. 9,754,317, Cl. <u>15</u></p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning.</p> <p>Alternatively, “currently updated”</p>	<p>Meaning: “updated to reflect changing weather conditions at a landmark”</p> <p>Scope: “updated to reflect changing weather conditions at a landmark”</p>	<p>Plain-and-ordinary meaning</p>
<p>“automatically”</p> <p>U.S. Patent No. 7,599,795, Cls. <u>1</u>, <u>19</u>, 22; U.S. Patent No. 8,473,199, Cls. 5, <u>19</u>, 22</p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: “without user intervention”</p>	<p>Plain-and-ordinary meaning</p>
<p>“directly”</p> <p>U.S. Patent No. 7,457,628, Cls. <u>10</u>, <u>19</u>; U.S. Patent No. 8,442,550, Cl. <u>8</u></p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: “from an initial origin to a final destination without passing through an intermediate location”</p>	<p>Plain-and-ordinary meaning</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>“information system”</p> <p>U.S. Patent No. 7,457,628, Cl. <u>10</u>; U.S. Patent No. 8,442,550, Cls. <u>8</u>, 13, 14; U.S. Patent No. 9,183,584, Cls. <u>12</u>, 13; U.S. Patent No. 9,754,317, Cls. <u>15</u>, 17, 18; U.S. Patent No. 9,002,371, Cls. <u>1</u>, 5; U.S. Patent No. 9,754,333, Cl. <u>7</u>, 11</p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p> <p>Alternatively, “a system in which information is stored.”</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: “a server”</p>	<p>Plain-and-ordinary meaning wherein the plain-and-ordinary meaning is “a system in which information is stored”</p>
<p>“review”</p> <p>U.S. Patent No. 7,599,795, Cl. 22; U.S. Patent No. 8,473,199, Cl. <u>19</u></p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: “critical appraisal intended for the guidance of consumers”</p>	<p>Plain-and-ordinary meaning</p>
<p>“substantially simultaneously”</p> <p>U.S. Patent No. 7,599,795, Cl. 22; U.S. Patent No. 8,473,199, Cl. <u>19</u></p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>“being at”</p> <p>U.S. Patent No. 9,183,584, Cl. <u>12</u>; U.S. Patent No. 9,754,317, Cl. <u>15</u></p> <p>Proposed by Defendant</p>	Plain and ordinary meaning	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	Not indefinite. Plain and ordinary meaning
<p>“different”</p> <p>U.S. Patent No. 8,442,550, Cls. 13, 14; U.S. Patent No. 9,183,584, Cl. 13; U.S. Patent No. 9,754,317, Cls. <u>15</u>, 17</p> <p>Proposed by Defendant</p>	Plain and ordinary meaning	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	Not indefinite. Plain and ordinary meaning
<p>“located at”</p> <p>U.S. Patent No. 8,442,550, Cls. 13, 14; U.S. Patent No. 9,183,584, Cl. 13; U.S. Patent No. 9,754,317, Cl. 17; U.S. Patent No. 7,599,795, Cls. <u>1</u>, 7, <u>19</u>; U.S. Patent No. 8,473,199, Cls. <u>1</u>, 5, 7, <u>19</u>, 22</p> <p>Proposed by Defendant</p>	Plain and ordinary meaning	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	Not indefinite. Plain and ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>“outside”</p> <p>U.S. Patent No. 9,002,371, Cl. 4; U.S. Patent No. 9,754,333, Cl. 10</p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p> <p>Alternatively, “in the immediate vicinity of, but not inside”</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	<p>Not indefinite. Plain and ordinary meaning</p>
<p>“proximate to”</p> <p>U.S. Patent No. 9,183,584, Cl. <u>12</u>; U.S. Patent No. 9,754,317, Cl. <u>15</u>; U.S. Patent No. 9,002,371, Cl. <u>1</u>; U.S. Patent No. 9,754,333, Cl. <u>7</u></p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p> <p>Alternatively, “in the immediate vicinity of”</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	<p>Not indefinite. Plain and ordinary meaning</p>
<p>“remote from”</p> <p>U.S. Patent No. 9,183,584, Cl. <u>12</u>; U.S. Patent No. 9,754,317, Cl. <u>15</u>; U.S. Patent No. 9,002,371, Cl. <u>1</u>; U.S. Patent No. 9,754,333, Cl. <u>7</u></p> <p>Proposed by Defendant</p>	<p>Plain and ordinary meaning</p> <p>Alternatively, “not in the immediate vicinity of”</p>	<p>Meaning: Plain and ordinary meaning</p> <p>Scope: Indefinite</p>	<p>Not indefinite. Plain and ordinary meaning</p>